

IN THE SENATE

SENATE BILL NO. 1289

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE LEGISLATURE; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 67-465, IDAHO CODE, TO AUTHORIZE THE LEGIS-
3 LATURE TO INTERVENE IN CERTAIN ACTIONS REGARDING CONSTITUTIONALITY OF
4 AN IDAHO STATUTE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
5 DATE.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 4, Title 67, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 67-465, Idaho Code, and to read as follows:

11 67-465. INTERVENTION IN ACTIONS REGARDING CONSTITUTIONALITY OF A
12 STATUTE. When a party to an action challenges in state or federal court the
13 constitutionality of an Idaho statute, facially or as applied, challenges an
14 Idaho statute as violating or being preempted by federal law, or otherwise
15 challenges the construction or validity of an Idaho statute, the legislature
16 may intervene in the action as a matter of right by serving a motion upon the
17 parties as provided in state or federal rules of civil procedure, whichever
18 is applicable.

19 SECTION 2. An emergency existing therefor, which emergency is hereby
20 declared to exist, this act shall be in full force and effect on and after
21 July 1, 2022.